IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1441 OF 2006

M/s.Atreya Promoters and
Builders & Anr. .. Petitioners.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr.Subhash Jha i/b M/s. Law Global for the petitioners.
Mr.R.Y.Mirza A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 2ND AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The Sessions Court in the appeal filed by the petitioner against the order of conviction under section 138 of the Negotiable Instruments Act while suspending the sentence has directed the petitioners to deposit 30% amount of the cheque and compensation within one month therefrom i.e. 20.2.2006. Till this date the petitioners have not deposited anything. According to Mr.Jha 30% of amount of the cheque and compensation is Rs.10,20,000/-. Mr.Jha, learned counsel for the petitioners states that the petitioners shall deposit Rs.5,00,000/- on or before

3.8.2006 and shall deposit another Rs.5,20,000/- within four weeks from today. The statement of Mr.Jha is accepted. In view thereof the order dated 27.6.2006 shall remain stayed for a period of four weeks only. If the petitioners fail to deposit the aforestated two instalments the order of stay to order dated 27.6.2006 shall not operate. The order dated 27.6.2006 reads thus:

> "The appellant has not deposited the amount of cheque and compensation as directed by this Court in the order dated 20.2.2006. Therefore by the help of section 431 of Cr.P.C. it is necessary to direct the recovery of the balance amount of cheque and compensation u/s.421 of Cr.P.C. Hence issue R/W against Appellant/accused for attachment and sale of moveable property of appellant and recover the balance of amount u/s 421 (1)(a) of Cr.P.C."

3. In view of this order it is open for the petitioners to apply before the appeal court for cancellation of non-bailable warrant and for revocation of the order of cancellation of bail bond, if any. If such application/s is/are made the appropriate orders be passed thereon in the light of this order. The writ petition is disposed of.

(D.B.Bhosale, J.)